

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JAMES MCCALLUM,

Plaintiff,

V.

SEAN HORLACHER,

Defendant.

Case No. 2:14-cv-00459-RFB-CWH

ORDER TO SHOW CAUSE

This matter is before the Court on Defendant Sean Horlacher's Motion for Order to Show Cause. ECF No. 54. In his motion, Horlacher seeks an order directing Plaintiff James McCallum to show cause why this action should not be dismissed for abandonment. Horlacher attaches a letter to his brief, purportedly from McCallum, in which McCallum states that he no longer wishes to participate in this case and will not be accepting mail from opposing counsel or the Court. In addition, the Court's docket reflects that McCallum refused to accept a copy of the Court's Order issued on May 17, 2016 when it was mailed to him at High Desert State Prison. See ECF No. 53.

20 “It is within the inherent power of the court to sua sponte dismiss a case for lack of
21 prosecution.” Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984). A court may also dismiss an
22 action for failure to comply with any of its orders. Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th
23 Cir. 1992); see also Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these
24 rules or a court order, a defendant may move to dismiss the action or any claim against it”);
25 Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002) (listing the factors courts must consider
26 when deciding whether to dismiss a claim for failure to prosecute or failure to comply with a court
27 order). Based upon the information provided in Horlacher’s motion, it appears McCallum no
28 longer wishes to prosecute this action.

1 Therefore,

2 **IT IS ORDERED** that Plaintiff James McCallum shall show cause, in writing, no later
3 than **July 7, 2016** why this case should not be dismissed due to his apparent abandonment of his
4 claim. Failure to respond could result in sanctions, including dismissal of his case.

5 **IT IS FURTHER ORDERED** that the dispositive motion deadline is STAYED pending
6 further order of the Court. If Plaintiff provides a satisfactory reason why this case should not be
7 dismissed, the Court will issue an order setting a new dispositive motion schedule. The discovery
8 deadline shall remain at June 27, 2016.

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10 DATED: June 22, 2016.



11 **RICHARD F. BOULWARE, II**
12 United States District Judge

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